

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>MATTHEW EVANS</b>	)	<b>CASE NO.</b>
	)	
	)	
	)	<b>JUDGE</b>
	)	
	)	
<b>PLAINTIFF</b>	)	<b>NOTICE OF REMOVAL</b>
	)	
	)	
<b>v.</b>	)	
	)	
<b>PAMELA S. PRIDDY, et al.</b>	)	
	)	
<b>DEFENDANTS</b>	)	

TO THE JUDGES OF THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION:

1. On December 14, 2021, Plaintiff Matthew Evans commenced an action in the Trumbull County Court of Common Pleas, Ohio, bearing Case No. 2021 CV 01398 entitled, "Matthew Evans v. Pamela S. Priddy, et al.," praying for judgment against Defendants. Said action is predicated on alleged violations of Plaintiff's First Amendment rights and brought pursuant to 42 USC 1983. Said action is wholly of a civil nature of which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1343(a)(3) and/or 1331, and is one which may be removed to this Court pursuant to the provisions of Title 28 of the United States Code Section 1441(a) and (b), as being a civil action involving a claim or claims over which this Court has original

jurisdiction and involving a claim or right arising under the Constitution, treaties, or laws of the United States, all of which more fully appears in the Plaintiff's Complaint, a copy of which is attached hereto and incorporated herein by reference.

2. Said action also does not contained any state laws claims.
3. A copy of the Summons and Complaint in the case aforesaid was served upon Defendants Pamela S. Priddy and City of Newton Falls on December 16, 2021 under and by virtue of Rule 4.3 of the Ohio Rules of Civil Procedure.
4. Defendants attach hereto, and file herewith a copy of the Summons and Complaint served aforesaid, as well as copies of all other process, pleadings and orders served upon them.
5. All Defendants join in this Notice of Removal.

WHEREFORE, Defendants pray that the case presently pending in the Trumbull County Court of Common Pleas against them be removed to this Court and proceed herein according to law.

Respectfully submitted,

/s/Alfred Schrader

ALFRED SCHRADER (0001837)

KRISTOPHER IMMEL (0088659)

Interim Law Director – City of Newton Falls

Attorney for Defendants, Pamela Priddy and City of  
Newton Falls, Ohio

50 South Main Street, 10th Floor

Akron, Ohio 44308

330-434-3000 telephone

330-434-9220 facsimile

[aschrader@rlblp.com](mailto:aschrader@rlblp.com)

[kimmel@rlblp.com](mailto:kimmel@rlblp.com)

### **CERTIFICATE OF SERVICE**

A copy of the foregoing was served on the Parties below through the Court's electronic filing system on this 29 December 2021 and a copy can be accessed through the Court's electronic filing system.

A copy of the foregoing Notice of Removal was served 29 December 2021 by First-Class Mail Postage Pre-paid to the following:

Michael D. Rossi  
151 East Market  
PO Box 4270  
Warren, Ohio 44482  
Attorney for Plaintiff

/s/Kristopher Immel  
KRISTOPHER IMMEL (0088659)  
Attorney for Defendants

**IN THE COURT OF COMMON PLEAS, TRUMBULL COUNTY, WARREN, OHIO**

**S U M M O N S**

*Rule 4 1995 Ohio Rules of Civil Procedure*

**2021 CV 01398**

**MATTHEW EVANS**  
2719 NEWTON TOMLINSON ROAD  
NEWTON FALLS OH 44444  
*Plaintiff(s)*

VS.

**PAMELA S PRIDDY**  
19 NORTH CANAL STREET  
NEWTON FALLS OH 44444  
*Defendant(s)*

IF APPLICABLE, SEE COMPLAINT FOR ADDITIONAL DEFENDANTS

**TO THE ABOVE NAMED DEFENDANT(S):**

YOU ARE HEREBY SUMMONED THAT A COMPLAINT (A COPY OF WHICH IS HERETO ATTACHED AND MADE A PART HEREOF) HAS BEEN FILED AGAINST YOU IN THIS COURT BY THE PLAINTIFF(S) NAMED HEREIN:

YOU ARE REQUIRED TO SERVE UPON THE PLAINTIFF(S) ATTORNEY, OR UPON THE PLAINTIFF(S) IF THEY HAVE NO ATTORNEY OF RECORD, A COPY OF YOUR ANSWER TO THE COMPLAINT *WITHIN TWENTY-EIGHT (28) DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU*, EXCLUSIVE OF THE DAY OF SERVICE. SAID ANSWER MUST BE FILED WITH THIS COURT WITHIN THREE DAYS AFTER SERVICE ON PLAINTIFF'S ATTORNEY.

THE NAME AND ADDRESS OF THE PLAINTIFF(S) ATTORNEY IS AS FOLLOWS:

**MICHAEL D. ROSSI**  
151 EAST MARKET  
PO BOX 4270  
WARREN, OH 44482

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

**KAREN INFANTE ALLEN**  
**CLERK OF COURTS**

BY: **CYNTHIA BEALE**  
*Deputy Clerk*

Date: December 14, 2021

KAREN INFANTE ALLEN  
TRUMBULL CO CLERK OF COURTS  
2021 CV 01398  
FILED: 12/14/2021 01:03 PM

**IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO**

MATTHEW EVANS  
2719 Newton Tomlinson Road  
Newton Falls, Ohio 44444

Plaintiff

vs.

PAMELA S. PRIDDY  
19 North Canal Street  
Newton Falls, Ohio 44444

and

CITY OF NEWTON FALLS, OHIO  
19 North Canal Street  
Newton Falls, Ohio 44444

Defendants

Case No. 2021-CV-

Judge

**COMPLAINT**  
**(Other Civil)**

**WITH**

**JURY DEMAND ENDORSED HEREON**

Pursuant to 42 USC§1983, this action is brought to remedy federal constitutional violations.

1. At all times relevant, Plaintiff was and remains a US Citizen, resident of Newton Falls, Trumbull County, Ohio, employed in the classified service of Defendant City of Newton Falls.
2. At all times relevant, Defendant, Pamela S. Priddy, was and remains the Newton Falls Interim City Manager acting throughout under color of state law.
3. At all times relevant, Defendant, City of Newton Falls, was and remains a municipal corporation within the meaning of Title VII of the Ohio Revised Code.
4. At all times relevant, Defendant City adopted and maintained an Employee Manual that contained the attached "Workplace Bullying and No-Gossip Policy" that proscribed certain employee conduct that included the exercise of "protected speech" within the meaning of the First Amendment to the United States Constitution, made applicable to the States through its Fourteenth Amendment.
5. On 12/6/21, during an open-session meeting of the Newton Falls City Counsel, Plaintiff appeared and expressed his opinion on a matter of public concern, i.e., the City's selection of the carrier for the City employees' healthcare insurance, and the City Manager's affiliation with that carrier, if any.

6. On 12/8/21, Defendant Priddy maliciously terminated Plaintiff's employment, characterizing his expression as "verbal bullying, public humiliation, spreading rumors or gossip – talking about private lives of others...in direct violation of the Workplace Bullying and No-Gossip Policy."

7. As a direct and proximate result of Priddy's stated termination, Plaintiff's protected speech was adversely affected in violation of those First and Fourteenth Amendments.

8. As a further direct and proximate result of Priddy's termination, Plaintiff suffered the loss of employment, its wages and benefits; and experienced attendant shame, embarrassment, humiliation, anger, other emotional distress and damage to his reputation in the community.

WHEREFORE, Plaintiff demands judgment against the Defendants for reinstatement to employment or front pay; backpay; compensatory damages in an amount in excess of the sum of \$25,000.00; an award of reasonable attorney fees under 42 USC§1988; interest as provided by law; and against Defendant Priddy for punitive damages in excess of the sum of \$25,000.00.

Plaintiff further demands recovery of the costs of suit and a trial by jury on the legal issues joined.

GUARNIERI & SECREST, P.L.L.

/s/Michael D. Rossi

MICHAEL D. ROSSI (#0005591)

151 East Market Street

P.O. Box 4270

Warren, Ohio 44482

Telephone: (330) 393-1584

Facsimile: (330) 395-3831

E-mail: mrossi@gsfirm.com

Attorney for Plaintiff

## **Workplace Bullying and No-Gossip Policy**

### **Objective**

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the City of Newton Falls will not *in any instance* tolerate bullying and or gossiping behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

### **Definition**

The City of Newton Falls defines bullying and or gossiping as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the City of Newton Falls' Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

### **Examples**

Bullying and engaging in gossip may be intentional or unintentional. However, it must be noted that when an allegation of bullying or gossiping is made, the intention of the alleged bully or person engaging in gossip is irrelevant, and will not be given consideration when meting out discipline.

As in sexual harassment, it is the effect of the behavior on the individual that is important. City of Newton Falls considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.

- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- When individuals assume to know and talk about the private lives of others in the workplace.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, under loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

**KAREN INFANTE ALLEN**

**Trumbull County Clerk of Courts**

**161 High Street NW**

**Warren, Ohio 44481**

**2021 CV 01398**



**PAMELA S PRIDDY**

**19 NORTH CANAL STREET**

**NEWTON FALLS, OH 44444**

9489 0090 0027 6273 2602 46



Label 890-I  
Plney Bow

**first class**



25-421  
02 47  
00000100